

GIBSON, DUNN & CRUTCHER LLP
DANIEL W. NELSON, appearance *pro hac vice*
dnelson@gibsondunn.com
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: 202.955.8500
Facsimile: 202.467.0539

TIMOTHY W. LOOSE, SBN 241037
tloose@gibsondunn.com
333 S. Grand Avenue
Los Angeles, CA 90071
Telephone: 213.229.7000
Facsimile: 213.229.6746

Attorneys for Defendant
PEPSICO, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMY MAXWELL, individually, and on behalf
of all others similarly situated,

Plaintiff,

v.

UNILEVER UNITED STATES, INC.,
PEPSICO, INC., and PEPSI LIPTON TEA
PARTNERSHIP,

Defendants.

CASE NO. 5:12-cv-01736 EJD

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE BRIEFING SCHEDULE
FOR PLAINTIFF AMY MAXWELL'S
MOTION FOR ENTRY OF FINAL
JUDGMENT ON ALL CLAIMS
AGAINST DEFENDANT PEPSICO,
INC. PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 54(B)**

Hearing Date: August 2, 2018
Hearing Time: 9 a.m.
Location: Courtroom 4
Judge: Hon. Edward J. Davila

Action Filed: April 6, 2012
TAC Filed: September 12, 2014

Trial Date: None Set

Subject to the Court's approval, the parties stipulate as follows:

WHEREAS, on March 29, 2018, the Court entered an order granting Defendant PepsiCo, Inc.'s ("PepsiCo") Motion to Dismiss Plaintiff Amy Maxwell's Third Amended Complaint (Dkt. No. 133);

WHEREAS, on May 3, 2018, Plaintiff filed a Notice of Motion and Motion for Entry of Final Judgment on All Claims Against Defendant PepsiCo, Inc. Pursuant to Federal Rule of Civil Procedure 54(b) (Dkt. No. 136);

WHEREAS, PepsiCo's response to the Motion is presently due on May 17, 2018, and Plaintiff's reply brief is presently due on May 24, 2018;

WHEREAS, the parties have met and conferred concerning the briefing schedule on the Motion, and desire a short extension of the deadlines for their briefs;

THE PARTIES HEREBY STIPULATE and respectfully request that the Court enter an order setting June 18, 2018 as the deadline for PepsiCo's response to the Motion, and July 16, 2018 as the deadline for Plaintiff's reply brief.

The parties request that the Motion remain calendared for hearing as presently scheduled, on August 2, 2018, at 9 a.m.

Dated: May 7, 2018

By: /s/ Pierce Gore
Pierce Gore
Attorney for Plaintiff

Dated: May 7, 2018


By: /s/ Timothy W. Loose
Timothy W. Loose
Attorney for Defendant
PEPSICO, INC.

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, PepsiCo, Inc. shall file its response to Plaintiff's Motion for Entry of Final Judgment on All Claims Against Defendant PepsiCo, Inc. Pursuant to Federal Rule of Civil Procedure 54(b) on or before June 18, 2018, and Plaintiff shall file her reply brief on or before July 16, 2018. The Motion shall remain calendared for hearing as presently scheduled, on August 2, 2018, at 9 a.m. The briefing scheduled previously entered is VACATED in light of this order adopting the parties' stipulation.

IT IS SO ORDERED.

Dated: May 7, 2018



Honorable Edward J. Davila
U.S. District Judge

ATTESTATION

I, Timothy W. Loose, counsel for Defendant PepsiCo, Inc., hereby attest that, pursuant to N.D. Cal. Local Rule 5.1(i)(3), concurrence to the filing of this document has been obtained from each signatory hereto.

/s/ Timothy W. Loose
Timothy W. Loose